



USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/17/2020

JAMES E. JOHNSON  
Corporation Counsel

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

MATTHEW W. McQUEEN  
Senior Counsel  
phone: (212) 356-2423  
fax: (212) 356-3509  
email: mmcqueen@law.nyc.gov

July 16, 2020

BY E-MAIL and ECF

Honorable Analisa Torres  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Martin Walsh v. City of New York, et. al.  
19 CV 9238 (AT)

Your Honor:

I am an Assistant Corporation Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and I represent defendants Kevon Sample, Oliver Liebowitz, Jason Lunsford, Jhonny Milfort, Catherine Doran, and The City of New York ("Defendants") in the above-referenced matter. Defendants write with the consent of plaintiff's counsel, Samuel DePaola, to respectfully request a an Order confirming a stay of discovery pending the resolution of Defendants' motion to dismiss, and relief from the obligation to submit a joint letter and case management plan as Ordered by the Court on June 29, 2020. An initial conference is currently scheduled in this case for July 22, 2020.

On July 10, 2020, defendants filed a motion to dismiss the complaint. As defendants' motion, if granted, would fully dispose of the case, "a stay will neither prejudice Plaintiff nor unnecessarily delay the proceedings." Boelter v. Hearst Communs., Inc., 15 Civ. 03934 (AT), 2016 U.S. Dist. LEXIS 12322, at \*16 (S.D.N.Y. Jan. 28, 2016) (citations omitted). Further, although a stay in discovery pending a motion to dismiss is generally not automatic (Id., at 13 (citation omitted)), this case is participating in the SDNY Plan for Certain § 1983 Cases Against the City of New York (the "Plan"). Pursuant to paragraph 3 of the Plan, if any defendant moves to dismiss the entire complaint, the deadlines set forth I the Plan are stayed unless the Court orders otherwise. Accordingly, the discovery deadlines set forth in the Plan are currently stayed, absent an order otherwise from the Court.

Accordingly, for the reasons discussed herein, defendants respectfully request that that the Court issue an order confirming the stay in discovery, as set forth in the Plan, and relieving the parties from the obligation to submit a joint letter and case management plan.

Defendants thank the Court for its time and consideration in this regard.

Respectfully submitted,

*/s/ Matt McQueen*

Matthew W. McQueen  
Special Federal Litigation Division

cc: Samuel C. DePaola, Esq. (by ECF)  
*Attorney for Plaintiff*

GRANTED. The initial pretrial conference scheduled for July 22, 2020 and the submissions deadline for a proposed case management plan and joint letter are ADJOURNED *sine die*.

SO ORDERED.

Dated: July 17, 2020  
New York, New York



---

ANALISA TORRES  
United States District Judge